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AUG 09 2005

OFFICE OF PETITIONS

In re Application of
Miri Seiberg et al.
Application No. 10/092,810
Filed: March 7, 2002
Attorney Docket Number: JBP586
Title: COMPOSITIONS AND METHODS
FOR REGULATING PHAGOCYTOSIS
AND ICAM-1 EXPRESSION

DECISION DISMISSING
PETITION UNDER 37 C.F.R. §1.137(b)
AS MOOT

This is a decision on the petition filed June 14, 2005, pursuant to 37 C.F.R. §1.137(b)¹, to revive the above-identified application.

A final Office action was mailed on August 12, 2004, which set a shortened statutory period for reply of three (3) months. On February 16, 2005, a Notice of Appeal was filed, along with a three-month extension of time.

On June 14, 2005, Petitioner filed the present petition. Shortly thereafter, Petitioner realized this application is not abandoned, and submitted a request to withdraw the previously filed petition, along with a Request for Continued Examination, an amendment, and a three-month extension of time to make timely the filing of the RCE on June 30, 2005.

As such, the present petition under 37 C.F.R. §1.137(b) is hereby **DISMISSED AS MOOT**, as the instant application is not abandoned.

¹ A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

The petition fee will be refunded to Petitioner's Deposit Account, as authorized in the petition.

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.

A handwritten signature in black ink, appearing to read "Paul Shanowski".

Paul Shanowski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office